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Attorneys for Defendant T-Mobile USA, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEAN BOONE, individually, and on Behalf of all Similarly Situated Persons,) Civil No. 2:17-CV-00378
)
Plaintiff,) [ORAL ARGUMENT REQUESTED
v.) PURSUANT TO LOCAL RULE 78.1]
)
T-MOBILE USA, INC.,)
)
Defendant.)
)

NOTICE OF MOTION TO DISMISS
SECOND AMENDED CLASS ACTION COMPLAINT

TO: PLAINTIFF DEANE BOONE AND HIS ATTORNEY OF RECORD

PLEASE TAKE NOTICE that on September 18, 2017, or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Kevin McNulty, located at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, Defendant T-Mobile USA, Inc. (“Defendant” or “T-Mobile”) will move this Court for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), dismissing Plaintiff Dean Boone’s Amended Class Action Complaint. This Motion is made on the following grounds:

1. Plaintiff lacks standing to assert his Fair Credit Reporting Act (FCRA) claims and his New Jersey Fair Credit Reporting Act (New Jersey FCRA) claim.
2. Plaintiff has not alleged facts sufficient to constitute a claim for relief against T-Mobile for violation of the FCRA or the New Jersey FCRA.

Pursuant to the Court’s Order entered on June 27, 2017 (ECF No. 30), Plaintiff shall file his response to this Motion by August 23, 2017. By September 6, 2017, T-Mobile shall file its reply in support of its Motion. A telephone conference is scheduled for this matter on August 10, 2017 at 10:30 a.m. Plaintiff shall initiate the call.

PLEASE TAKE FURTHER NOTICE that in support of its Motion to Dismiss, T-Mobile will rely on the accompanying Memorandum of Law in Support. A Proposed Order is included with this Motion.

Respectfully submitted this 26th day of July, 2017.

/s/ Craig Carpenito

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